

"the right of opposition candidates and workers to engage in campaigning free of harassment, discrimination, and intimidation";

Whereas the Election Observation Mission of the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE) found that, while the parliamentary elections in 2005 generally complied with most of the OSCE commitments and other international standards, "they fell short of some that are central to a genuinely competitive election process", in particular "campaign conditions and access to media", confirming the "negative trends already noted in the 2003 local elections";

Whereas the Election Observation Mission found that the local elections held in June 2007 in Moldova were generally well administered but "fell short of a number of OSCE commitments central to a competitive electoral process," in particular by not fully respecting "the right of citizens to seek public office and equitable media access";

Whereas Freedom House, a non-profit, non-partisan organization working to advance the expansion of freedom, again in 2008 designated the political environment of Moldova as only "partly free";

Whereas political liberties and civil rights are key indicators of eligibility for support from the Millennium Challenge Corporation, an entity of the United States Government, which is now considering a sizeable grant for the economic and political development of Moldova; and

Whereas recent actions by entities of the Government of Moldova raise serious questions about the readiness of the Government of Moldova to break free from the unfortunate patterns established in the elections in 2003, 2005, and 2007 and to create the campaign conditions and access to media required for truly free and fair elections: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms the strong, mutually beneficial relationship that exists between the United States Government and the Government of Moldova;

(2) recognizes that the development of a genuinely democratic political system in Moldova is a precondition for the full integration of Moldova into the Western community of nations and the provision of assistance necessary to attain such integration;

(3) urges the Government of Moldova to meet its commitments to the Organization for Security and Co-operation in Europe, especially in respect to the conduct of elections, by guaranteeing—

(A) unimpeded access by all parties and candidates to public print, radio, television, and Internet media on a nondiscriminatory basis;

(B) the ability of independent media to cover campaigns on an unrestricted basis;

(C) the right of opposition candidates and workers to engage in campaigning free of harassment, discrimination, and intimidation; and

(D) adequate means for citizens of Moldova residing abroad to cast their ballots; and

(4) in light of the steps taken by the Government of Moldova, pledges the continued support of the United States Government for the establishment in Moldova of a fully free and democratic system, the creation of a prosperous market economy, and the assumption by Moldova of its rightful place as a full and equal member of the Western community of democracies.

Mr. LUGAR. Mr. President, today I submit a resolution urging the Government of Moldova to ensure a fair and democratic election process for the up-

coming parliamentary elections on April 5, 2009.

Since independence in 1991, Moldova has made notable progress in establishing a democratic political system and a free market economy. However, the Organization for Security and Co-operation in Europe, OSCE, has reported that recent rounds of parliamentary elections have fallen short on a number of international election standards.

In 2005, the Senate passed a Resolution expressing our support for democratic reform in Moldova and urging the Government of Moldova to ensure unimpeded access by all parties and candidates to all media outlets in the run-up to the 2005 parliamentary elections. While the OSCE found that the 2005 elections generally complied with international standards, it found that "campaign conditions and access to media" fell short of these standards. The OSCE reported similar circumstances following the 2007 parliamentary elections, including a lack of "equitable media access" among the candidates.

This Resolution re-affirms the United States Senate's support for political reform and fair democratic processes with our partners in Moldova. It urges the Government of Moldova to recognize the importance of guaranteeing all election candidates equitable access to media outlets in Moldova for the April 2009 elections. This will be an important consideration for receiving a Compact from the Millennium Challenge Corporation and for Moldova's full integration as a member of the Western community of democracies.

I ask my colleagues to support this resolution.

SENATE CONCURRENT RESOLUTION 8—EXPRESSING SUPPORT FOR CHILDREN'S DENTAL HEALTH MONTH AND HONORING THE MEMORY OF DEAMONTE DRIVER

Mr. CARDIN (for himself, Ms. COLLINS, Mr. ROCKEFELLER, Ms. MIKULSKI, and Mr. BINGAMAN) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 8

Whereas several national dental organizations have observed February 2009 as Children's Dental Health Month;

Whereas Deamonte Driver, a 12-year-old Marylander, died on February 25, 2007, of complications resulting from untreated tooth decay;

Whereas the passing of Deamonte Driver has led to increased awareness nationwide about the importance of access to high-quality, affordable preventative care and treatment for dental problems;

Whereas the primary purpose of Children's Dental Health Month is to educate parents, children, and the public about the importance and value of oral health;

Whereas Children's Dental Health Month showcases the overwhelmingly preventable nature of tooth decay and highlights the fact that tooth decay is on the rise among the youngest children in the Nation;

Whereas Children's Dental Health Month educates the public about the treatment of childhood dental caries, cleft-palate, oral facial trauma, and oral cancer through public service announcements, seminars, briefings, and the pro bono initiatives of practitioners and academic dental institutions;

Whereas Children's Dental Health Month was created to raise awareness about the importance of oral health; and

Whereas Children's Dental Health Month is an opportunity for the public and health professionals to take action to prevent childhood dental problems and improve access to high-quality dental care: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress expresses support for Children's Dental Health Month and honors the life of Deamonte Driver.

AMENDMENTS SUBMITTED AND PROPOSED

SA 573. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.; which was ordered to lie on the table.

SA 574. Mr. KYL proposed an amendment to the bill S. 160, supra.

SA 575. Mr. ENSIGN (for himself, Mr. VITTER, Mr. COBURN, Mr. DEMINT, Mr. BURR, Mr. WICKER, Mr. THUNE, Mr. GRASSLEY, Mr. RISCH, Mr. INHOFE, Mr. BENNETT, Mr. ENZI, Mr. CHAMBLISS, Mr. ISAKSON, Mr. CRAPO, Mr. CORNYN, Mr. BROWNBACK, Mr. CORKER, Mr. MARTINEZ, Ms. MURKOWSKI, Mr. GRAHAM, and Mr. ROBERTS) proposed an amendment to the bill S. 160, supra.

SA 576. Mr. COBURN (for himself and Mr. INHOFE) proposed an amendment to amendment SA 575 proposed by Mr. ENSIGN (for himself, Mr. VITTER, Mr. COBURN, Mr. DEMINT, Mr. BURR, Mr. WICKER, Mr. THUNE, Mr. GRASSLEY, Mr. RISCH, Mr. INHOFE, Mr. BENNETT, Mr. ENZI, Mr. CHAMBLISS, Mr. ISAKSON, Mr. CRAPO, Mr. CORNYN, Mr. BROWNBACK, Mr. CORKER, Mr. MARTINEZ, Ms. MURKOWSKI, Mr. GRAHAM, and Mr. ROBERTS) to the bill S. 160, supra.

SA 577. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 160, supra; which was ordered to lie on the table.

SA 578. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 160, supra; which was ordered to lie on the table.

SA 579. Mr. THUNE (for himself, Mr. VITTER, Mr. GRASSLEY, Mr. WICKER, Mr. COBURN, Mr. DEMINT, Mr. INHOFE, Mr. BENNETT, Mr. ENZI, Mr. RISCH, Mr. CRAPO, and Mr. WEBB) proposed an amendment to the bill S. 160, supra.

SA 580. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 160, supra; which was ordered to lie on the table.

SA 581. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 160, supra.

SA 582. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 160, supra; which was ordered to lie on the table.

SA 583. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 160, supra; which was ordered to lie on the table.

SA 584. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 160, supra; which was ordered to lie on the table.

SA 585. Mr. KYL proposed an amendment to the bill S. 160, supra.

SA 586. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 160, supra; which was ordered to lie on the table.

SA 587. Mr. ENSIGN (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 160, supra; which was ordered to lie on the table.

SA 588. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill S. 160, supra; which was ordered to lie on the table.

SA 589. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 160, supra; which was ordered to lie on the table.

SA 590. Mr. LAUTENBERG (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 160, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 573. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

At the end of the bill add the following:

SEC. 9. FAIRNESS DOCTRINE PROHIBITED.

(a) **LIMITATION ON GENERAL POWERS: FAIRNESS DOCTRINE.**—Title III of the Communications Act of 1934 is amended by inserting after section 303 (47 U.S.C. 303) the following new section:

"SEC. 303A. LIMITATION ON GENERAL POWERS: FAIRNESS DOCTRINE.

"Notwithstanding section 303 or any other provision of this Act or any other Act authorizing the Commission to prescribe rules, regulations, policies, doctrines, standards, guidelines, or other requirements, the Commission shall not have the authority to prescribe any rule, regulation, policy, doctrine, standard, guideline, or other requirement that has the purpose or effect of reinstating or repromulgating (in whole or in part)—

"(1) the requirement that broadcasters present or ascertain opposing viewpoints on issues of public importance, commonly referred to as the 'Fairness Doctrine', as repealed in In re Complaint of Syracuse Peace Council against Television Station WTVH, Syracuse New York, 2 FCC Rcd. 5043 (1987); or

"(2) any similar requirement that broadcasters meet programming quotas or guidelines for issues of public importance."

(b) **SEVERABILITY.**—Notwithstanding section 7(a), if any provision of section 2(a)(1), 2(b)(1), or 3 or any amendment made by those sections is declared or held invalid or unenforceable by a court of competent jurisdiction, the amendment made by subsection (a) and the application of such amendment to any other person or circumstance shall not be affected by such holding.

SA 574. Mr. KYL proposed an amendment to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; as follows:

On page 27, strike line 21 through the end of the bill and insert the following:

SEC. 8. JUDICIAL REVIEW.

(a) **SPECIAL RULES FOR ACTIONS BROUGHT ON CONSTITUTIONAL GROUNDS.**—If any action is brought to challenge the constitutionality

of any provision of this Act or any amendment made by this Act, the following rules shall apply:

(1) The action shall be filed in the United States District Court for the District of Columbia and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

(2) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives and the Secretary of the Senate.

(3) A final decision in the action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, of the entry of the final decision.

(4) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

(b) INTERVENTION BY MEMBERS OF CONGRESS.

(1) **IN GENERAL.**—In any action in which the constitutionality of any provision of this Act or any amendment made by this Act is challenged (including an action described in subsection (a)), any member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or the Senate shall have the right to intervene or file legal pleadings or briefs either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision or amendment.

(2) **COURT EFFICIENCY.**—To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any action described in paragraph (1) may make such orders as it considers necessary, including orders to require intervenors taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

(c) **CHALLENGE BY MEMBERS OF CONGRESS.**—Any Member of Congress may bring an action, subject to the special rules described in subsection (a), to challenge the constitutionality of any provision of this Act or any amendment made by this Act.

SA 575. Mr. ENSIGN (for himself, Mr. VITTER, Mr. COBURN, Mr. DEMINT, Mr. BURR, Mr. WICKER, Mr. THUNE, Mr. GRASSLEY, Mr. RISCH, Mr. INHOFE, Mr. BENNETT, Mr. ENZI, Mr. CHAMBLISS, Mr. ISAKSON, Mr. CRAPO, Mr. CORNYN, Mr. BROWBACK, Mr. CORKER, Mr. MARTINEZ, Ms. MURKOWSKI, Mr. GRAHAM, and Mr. ROBERTS) proposed an amendment to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; as follows:

At the appropriate place, insert the following:

TITLE —SECOND AMENDMENT ENFORCEMENT ACT

SEC. .01. SHORT TITLE.

This title may be cited as the "Second Amendment Enforcement Act".

SEC. .02. CONGRESSIONAL FINDINGS.

Congress finds the following:

(1) The Second Amendment to the United States Constitution provides that the right of the people to keep and bear arms shall not be infringed.

(2) As the Congress and the Supreme Court of the United States have recognized, the Second Amendment to the United States

Constitution protects the rights of individuals, including those who are not members of a militia or engaged in military service or training, to keep and bear arms.

(3) The law-abiding citizens of the District of Columbia are deprived by local laws of handguns, rifles, and shotguns that are commonly kept by law-abiding persons throughout the United States for sporting use and for lawful defense of their persons, homes, businesses, and families.

(4) The District of Columbia has the highest per capita murder rate in the Nation, which may be attributed in part to local laws prohibiting possession of firearms by law-abiding persons who would otherwise be able to defend themselves and their loved ones in their own homes and businesses.

(5) The Federal Gun Control Act of 1968, as amended by the Firearms Owners' Protection Act of 1986, and the Brady Handgun Violence Prevention Act of 1993, provide comprehensive Federal regulations applicable in the District of Columbia as elsewhere. In addition, existing District of Columbia criminal laws punish possession and illegal use of firearms by violent criminals and felons. Consequently, there is no need for local laws which only affect and disarm law-abiding citizens.

(6) Officials of the District of Columbia have indicated their intention to continue to unduly restrict lawful firearm possession and use by citizens of the District.

(7) Legislation is required to correct the District of Columbia's law in order to restore the fundamental rights of its citizens under the Second Amendment to the United States Constitution and thereby enhance public safety.

SEC. .03. REFORM D.C. COUNCIL'S AUTHORITY TO RESTRICT FIREARMS.

Section 4 of the Act entitled "An Act to prohibit the killing of wild birds and wild animals in the District of Columbia", approved June 30, 1906 (34 Stat. 809; sec. 1-303.43, D.C. Official Code) is amended by adding at the end the following: "Nothing in this section or any other provision of law shall authorize, or shall be construed to permit, the Council, the Mayor, or any governmental or regulatory authority of the District of Columbia to prohibit, constructively prohibit, or unduly burden the ability of persons not prohibited from possessing firearms under Federal law from acquiring, possessing in their homes or businesses, or using for sporting, self-protection or other lawful purposes, any firearm neither prohibited by Federal law nor subject to the National Firearms Act. The District of Columbia shall not have authority to enact laws or regulations that discourage or eliminate the private ownership or use of firearms. Nothing in the previous two sentences shall be construed to prohibit the District of Columbia from regulating or prohibiting the carrying of firearms by a person, either concealed or openly, other than at the person's dwelling place, place of business, or on other land possessed by the person."

SEC. .04. REPEAL D.C. SEMIAUTOMATIC BAN.

(a) **IN GENERAL.**—Section 101(10) of the Firearms Control Regulations Act of 1975 (sec. 7-2501.01(10), D.C. Official Code) is amended to read as follows:

"(10) 'Machine gun' means any firearm which shoots, is designed to shoot, or may be readily restored to shoot automatically, more than 1 shot without manual reloading by a single function of the trigger, and includes the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun